

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

SCOTTSDALE INSURANCE COMPANY,

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:04CV376-P-B

**BUNGEE RACERS, INC.,
DOYLE MOSLEY, JIMMY MOSLEY,
and ADVENTURELAND, INC.,**

DEFENDANTS.

FINAL JUDGMENT

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND
ADJUDGED** that:

- (1) Scottsdale Insurance Company's Motion for Summary Judgment [30-1] is **DENIED**; therefore,
- (2) Scottsdale Insurance Company's Complaint for Declaratory Judgment against Bungee Racers, Inc., Doyle Mosley, Jimmy Mosley, and Adventureland, Inc. should be **DISMISSED WITH PREJUDICE**;
- (3) Bungee Racers, Inc., Doyle Mosley, and Jimmy Mosley's Motion for Summary Judgment [34-1] is **GRANTED IN PART AND DENIED IN PART**; specifically,
- (4) The motion should be granted insofar as Scottsdale Insurance Company has the duty to defend Bungee Racers, Inc. against Adventureland's counterclaims in the underlying action pending in the Circuit Court of Washington County, Mississippi;
- (5) The motion should be granted insofar as there is coverage under the subject policy for

Adventureland's counterclaims against Bungee Racers, Inc., limited to the claims seeking "property damage" to Adventureland's property other than the product or work they purchased from Bungee Racers, Inc.;

(6) The motion should be denied insofar as Bungee Racers, Inc., Doyle Mosley, and Jimmy Mosley seek summary judgment in their favor on their claims for bad faith, punitive damages, and attorney fees; therefore,

(7) Since there are no further claims outstanding, this case is **CLOSED**.

SO ORDERED this the 14th day of August, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE